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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

OFFICERS FOR JUSTICE, et al.,

No. C 73-0657 CRB
C 77-2884 CRB

Plaintiffs,

ORDER

v.

CIVIL SERVICE COMMISSION OF THE
CITY AND COUNTY OF SAN
FRANCISCO, et al.,

Defendants.

SAN FRANCISCO POLICE OFFICERS'
ASSOCIATION,

Intervenor.

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY AND COUNTY OF SAN
FRANCISCO,

Defendant.

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2 On June 4, 2009, the Court issued an Order denying two motions by Plaintiffs
3 Officers for Justice: (1) a Motion to Consolidate this action, 73-0657, with 09-1675; and (2) a
4 Motion to Enforce the Consent Decree in 73-0657. In the Discussion section of the Order,
5 the Court included its interpretation of the “four year” language in the Q-35 Stipulation at
6 issue. Immediately following this interpretation, the Order clearly stated: “Defendants . . . do
7 not address this argument in their opposition; accordingly, the Court’s decision on plaintiffs’
8 present motion does not rest on the ‘four year’ limitation in the Q-35 Stipulation.”

9 Nonetheless, Plaintiffs Officers for Justice has made a Motion to Alter or Amend the
10 Court’s June 4, 2009 Order Denying Motion to Enforce Consent Decree, arguing that the
11 inclusion of the Court’s interpretation of the “four year” language is unnecessary and, in their
12 view, incorrect. At the case management conference on June 19, 2009, the Court set a
13 briefing schedule for Plaintiffs’ Motion to Alter or Amend the June 4, 2009 Order. The
14 Court is already in receipt of Plaintiffs’ twenty-three page motion, and two declarations in
15 support of that motion.

16 In the interest of conserving the parties’ resources in this time of limited resources, the
17 Court has determined that further briefing is unnecessary. As the portion of the June 4, 2009
18 Order regarding the “four year” language in the Q-35 Stipulation was mere dicta, the Court
19 will issue an amended Order omitting such language. The Court declines Plaintiffs’ request
20 to explicitly “determine the [Q-35 eligibility] list to be active,” opting instead to be silent on
21 the issue.

22 Accordingly, Plaintiffs’ motion is GRANTED IN PART.

23 On or before July 9, 2009, the parties shall submit to the Court a stipulation as to how
24 the Court should proceed on the pending motions in the related case, 09-1675 CRB. If the
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1 parties cannot reach agreement, they shall appear for a case management conference at 8:30
2 a.m. on July 10, 2009.

3 **IT IS SO ORDERED.**

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5 Dated: June 22, 2009
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CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE